



Senate

General Assembly

January Session, 2003

File No. 281

Senate Bill No. 42

Senate, April 10, 2003

The Committee on Planning and Development reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING AMENDMENTS TO LOCAL CHARTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 7-188 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2003*):

4 (a) Any municipality, in addition to such powers as it has under the
5 provisions of the general statutes or any special act, shall have the
6 power to: [(1) adopt and amend]

7 (1) Adopt a charter which shall be its organic law and shall
8 supersede any existing charter, including amendments thereto, and
9 shall supersede all special acts that are inconsistent with such charter
10 or amendments. [, which] Such charter [or amended charter] may
11 include the provisions of any special act concerning the municipality
12 but [which] shall not otherwise be inconsistent with the Constitution
13 or general statutes. [, provided nothing] Nothing in this section shall

14 be construed to provide that any special act or existing charter
15 provision relative to any municipality is repealed solely because such
16 special act or existing charter provision is not included in the charter;
17 [or amended charter; (2) amend]

18 (2) Adopt amendments to a charter which shall supersede any
19 existing charter provisions amended, and shall supersede all special
20 acts that are inconsistent with such amendments. Such amendment
21 may include the provisions of any special act concerning the
22 municipality but shall not otherwise be inconsistent with the
23 Constitution or general statutes. Nothing in this section shall be
24 construed to provide that any special act or charter provision relative
25 to any municipality is repealed solely because such special act or
26 charter provision is not included in an amendment;

27 (3) Amend a home rule ordinance which has been adopted prior to
28 October 1, 1982, which revised home rule ordinance shall not be
29 inconsistent with the Constitution or the general statutes; [and (3)
30 repeal] and

31 (4) Repeal any such home rule ordinance by adopting a charter,
32 provided the rights or benefits granted to any individual under any
33 municipal retirement or pension system shall not be diminished or
34 eliminated.

35 Sec. 2. Subsection (a) of section 7-192 of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective July*
37 *1, 2003*):

38 (a) Every charter, special act and home rule ordinance in effect on
39 October 1, 1982, shall continue in effect until repealed or superseded
40 by the adoption of a charter, charter amendments or home rule
41 ordinance amendments in accordance with this chapter, the provisions
42 in any charter in existence on said date governing revision or
43 amendment to the contrary notwithstanding. Nothing in this section
44 shall prohibit the adoption of a revised home rule ordinance or home

45 rule ordinance amendments by any method established in such home
46 rule ordinance if the provisions concerning such method were in effect
47 on July 15, 1959. Any municipality administering its local affairs under
48 the provisions of the general statutes or special acts adopted prior to
49 said date may continue to so administer its local affairs [until] and may
50 amend its charter under such special acts in addition to the right of the
51 electors of such municipality to avail themselves of the provisions of
52 this chapter to adopt a charter or to amend a charter. Any municipality
53 having as its organic law a home rule ordinance or a revised or
54 amended home rule ordinance shall after any revision or amendment
55 of such ordinance publish, in a single document, any such home rule
56 ordinance and shall make such ordinance available at a nominal cost to
57 any member of the public.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>

PD***Joint Favorable***

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill, which allows municipalities to adopt amendments to a charter, has no fiscal impact on the state.

OLR Bill Analysis

SB 42

AN ACT CONCERNING AMENDMENTS TO LOCAL CHARTERS**SUMMARY:**

This bill allows municipalities to adopt amendments to a charter, and the amendments supercede the affected existing provisions and all special act provisions that are inconsistent with the amendments. Current law allows them to amend the entire charter, which supersedes the existing charter (including any amendments to it) and all special acts that are inconsistent with the amended charter. As is currently the case with regard to an amended charter, the individual amendments can include provisions of any special act concerning the municipality, but cannot be inconsistent with the statutes or state constitution.

Under current law, a special act provision related to a municipality is not repealed solely because the special act is not included in an original or amended charter. The bill expands this provision to specify that:

1. a special act or existing charter provision is not repealed solely because it is not included in a new charter, and
2. a special act or charter provision related to a municipality is repealed solely because the provision is not included in an amendment.

The bill also allows a municipality operating under the statutes or a special act adopted before July 15, 1959 to amend its charter under the special act, as well as under the statutes.

EFFECTIVE DATE: July 1, 2003

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Report

Yea 12 Nay 4